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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3237

11 **CHRISTOPHER M. THOMPSON**  
12 884 Burbank Drive #7  
Santa Clara, CA 95051

**A C C U S A T I O N**

13 **Pharmacy Technician Registration No.**  
14 **TCH 58686**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about October 21, 2004, the Board of Pharmacy issued Pharmacy  
22 Technician Registration Number TCH 58686 to Christopher M. Thompson (Respondent). The  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on July 31, 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.

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1           "(k) The conviction of more than one misdemeanor or any felony involving the  
2 use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
3 combination of those substances.

4           "(l) The conviction of a crime substantially related to the qualifications, functions,  
5 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
6 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
7 substances or of a violation of the statutes of this state regulating controlled substances or  
8 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
9 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
10 The board may inquire into the circumstances surrounding the commission of the crime, in order  
11 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
12 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
13 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty  
14 or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
15 meaning of this provision. The board may take action when the time for appeal has elapsed, or  
16 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
17 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
18 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
19 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
20 or indictment."

21           6.       **Section 490** of the Code provides, in pertinent part, that a board may  
22 suspend or revoke a license on the ground that the licensee has been convicted of a crime  
23 substantially related to the qualifications, functions, or duties of the business or profession for  
24 which the license was issued.

25           7.       **California Code of Regulations, title 16, section 1770**, states:

26           "For the purpose of denial, suspension, or revocation of a personal or facility  
27 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions  
28 Code, a crime or act shall be considered substantially related to the qualifications, functions or

1 duties of a licensee or registrant if to a substantial degree it evidences present or potential  
2 unfitness of a licensee or registrant to perform the functions authorized by his license or  
3 registration in a manner consistent with the public health, safety, or welfare.”

#### 4 COSTS

5 8. Section 125.3 of the Code states, in pertinent part, that the Board may  
6 request the administrative law judge to direct a licensee found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
8 and enforcement of the case.

#### 9 DRUG INVOLVED

10 9. Librium is the brand name of Chlordiazepoxide. Chlordiazepoxide is a  
11 Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d).

#### 12 FACTUAL BACKGROUND

13 10. On or about November 30, 2005, before the Santa Clara Superior Court,  
14 Case No. CC508841, Respondent was convicted on a plea of nolo contendere of violating  
15 Vehicle Code 23153(b), driving with a blood alcohol level of .08% or higher and concurrently  
16 performing an act that causes bodily injury to another. The circumstances leading to  
17 Respondent's conviction are as follows:

18 11. On or about October 24, 2005, Respondent was involved in a rear-end  
19 automobile accident that caused injury to another. Respondent displayed visible signs of  
20 intoxication including slurred speech, watery, bloodshot eyes, and an unsteady gait at the scene  
21 of the accident. Respondent admitted to drinking alcohol and taking Librium prior to driving.

22 12. On or about June 14, 2006, before the Santa Clara Superior Court, Case  
23 No. CC632434, Respondent was convicted on a plea of nolo contendere of violating Vehicle  
24 Code 23152(a), driving under the influence of alcohol. Respondent admitted his prior conviction  
25 in Santa Clara Superior Court, Case No. CC508841. The circumstances leading to Respondent's  
26 conviction are as follows:

27 13. On or about June 9, 2006, Respondent was involved in an automobile  
28 accident. Respondent left the scene of the accident without exchanging his information with the

1 other driver. Respondent returned to the scene and claimed that he was unaware that he was in  
2 an accident. Respondent smelled of alcoholic beverages, had red, watery, bloodshot eyes.  
3 Respondent was unsteady on his feet and staggered from side to side. Respondent was lethargic  
4 and displayed signs of intoxication in a field sobriety test. Respondent admitted he had been  
5 drinking alcohol and was "over the limit." Respondent further admitted he took Librium prior to  
6 driving. Respondent was on probation in Santa Clara Superior Court, Case No. CC508841 when  
7 the accident occurred.

8           14. On or about July 8, 2008, before the Santa Clara Superior Court, Case No.  
9 CC807293, Respondent was convicted on a plea of nolo contendere of violating Vehicle Code  
10 23152(b), driving with blood alcohol level of .08% or higher. Respondent was also found to be  
11 in violation of the probation granted in Santa Clara Superior Court, Case No. CC 632434 and  
12 Santa Clara Superior Court, Case No. CC 508841. The circumstances leading to Respondent's  
13 conviction are as follows:

14           15. On or about May 30, 2008, Respondent was involved in an automobile  
15 accident. Respondent admitted the accident was his fault and that he had been drinking alcoholic  
16 beverages prior to the accident. Respondent smelled of alcoholic beverages and swayed from  
17 side to side. Respondent showed other visible signs of intoxication including watery eyes, and  
18 slow, slurred speech. Respondent voluntarily submitted to a preliminary alcohol screening.  
19 Respondent submitted two breath samples which revealed alcohol contents of .12% and .13%.  
20 Respondent was on probation in Santa Clara Superior Court, Case No. CC 632434 and Santa  
21 Clara Superior Court, Case No. CC 508841 when the accident occurred .

22                           **FIRST CAUSE FOR DISCIPLINE**

23                           (Unprofessional Conduct- Dangerous Use of Alcohol and Drugs)

24           16. Respondent is subject to disciplinary action under section 4301(h) of the  
25 Code in that Respondent used alcohol and drugs to an extent that was injurious to himself and  
26 others. The circumstances are described in paragraphs 11, 13, and 15, above.

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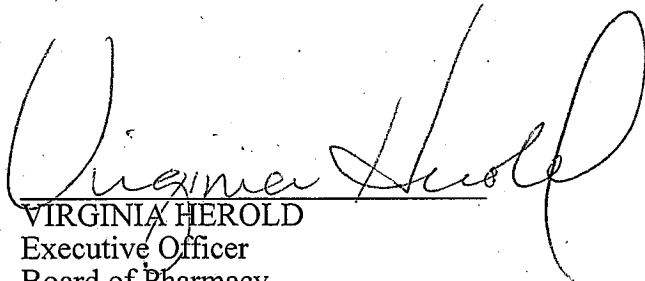
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1 58686, issued to Christopher Merrill Thompson Christopher Merrill Thompson.

2 2. Ordering Christopher Merrill Thompson to pay the Board of Pharmacy the  
3 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
4 Professions Code section 125.3;

5 3. Taking such other and further action as deemed necessary and proper.

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7 DATED: 1/6/09



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant